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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/588,843	08/09/2006	Shozo Yokoyama	293196US3XPCT	1152
22850	7590	02/05/2009		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER BRAHAN, THOMAS J	
			ART UNIT 3654	PAPER NUMBER
			NOTIFICATION DATE 02/05/2009	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/588,843

Applicant(s)

YOKOYAMA ET AL.

Examiner

Thomas J. Brahan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

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1. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. § 103, the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 C.F.R. § 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of potential 35 U.S.C. § 102(f) or (g) prior art under 35 U.S.C. § 103.

2. Claims 20 and 21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Yokoyama in view of Brown et al. Yokoyama shows the basic idea of having one line of cranes which can be denoted as a first "class" of cranes, the class including a plurality of models (65-ton and 80-ton; see column 4 lines 51-59), each model within a given class having a different lifting capability as compared to all of the other models in the class,

wherein all of the cranes comprise a lower traveling body and an upper rotating body rotatably mounted on the lower traveling body, the upper rotating body including a rotating frame and lifting equipment mounted on the rotating frame, the lifting equipment including a boom and a plurality of types of winches,

wherein all (both) of the models included in the class share a common rotating frame (they only vary by having different counterweight arrangements), the common rotating frame of the class having specifications based on the model of that class having the largest lifting capacity (see column 4, lines 15-19).

Yokoyama varies from claim 20 as it does not state that the manufacturer of this disclosed "class" of cranes also makes similar cranes in other sizes, as to have a second "class" of cranes in the manufacturer's overall "family" of cranes. Brown et al shows a similar crane vehicle and teaches that "As will be understood by those familiar with this art, crane-type vehicles of the type illustrated may be constructed in many different sizes and styles" and "In addition to these relatively light-weight cranes, however, there has recently been a trend toward the production of much larger self-propelled cranes", see column 23, lines 13-21. As to meet the needs of various customers and to maximize sales, it would have been obvious to one of ordinary skill at the time the invention was made by applicant to have Yokoyama manufacture both light-weight cranes and larger cranes, as to sell cranes of various sizes or "classes", as taught by Brown et al. The common rotating frame of Yokoyama in each respective class would include rotating-frame-side winch mounting portions for mounting the winches on the rotating frame, each type of winch is provided with a winch-side mounting portion (inherently), the winch-side mounting portion being common to models in the same class (as the models in each class only differ by counterweight arrangements) and different for other classes (as each class has a larger vehicle frame and rotating frame, as recited in claim 21).

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3. Claims 22-27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Yokoyama in view of Brown et al, as applied above to claim 21, and further in view of Harrison et al. Yokoyama, as modified, shows the basic idea of having a commonly sized crane body for different models of crane with different lifting capacities. It varies from claim 21 by not showing the details of the mounting arrangement for its winches as to include left and right deck frames provided on both the left and right sides of the rotating frame. Figure 5 of Harrison et al shows a similar frame structure for a crane with a pair of frame members (62 and 64). It would have been obvious to one of ordinary skill at the time the invention was made by applicant to mount the winches of Yokoyama using left and right side deck frames, for ease of installation and maintenance, as taught by Harrison et al. The outer shapes and sizes of the left and right deck frames would be common to all models in the same class, (as the models in each class of Yokoyama only vary by counterweight arrangements), as recited at the end of claim 22. Harrison et al teaches having other equipment mounted on the left and right deck frames by means of mounting portions, as recited in claim 23, with the deck frames divided into a plurality of sections for the different pieces of equipment, as recited in claim 24. Sections of the left and right deck frames of Harrison et al are separately mounted on the rotating frame, such as the mounting sections for the engine 70, the hydraulic system cooler 72 and the radiator 76, as recited in claim 25, with the sections having a plurality of types for different sizes for these different pieces of equipment, as recited in claim 26. Each section of the left and right deck frames is detachably mounted on the rotating frame, as recited in claim 27.

4. Applicant's remarks in the amendment filed August 25, 2008, have been fully considered, but are deemed moot in view of the above new rejections. The amendment necessitated the new grounds, accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

5. An inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Brahan whose telephone number is (571) 272-6921. The examiner's supervisor, Mr. Peter Cuomo, can be reached at (571) 272-6856. The fax number for all patent applications is (571) 273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the

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PAIR system, see <http://pair-direct.uspto.gov>. Questions regarding access to the Private PAIR system, should be directed to the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Thomas J. Brahan/
Primary Examiner, Art Unit 3654